

RP 10/23 AILH

## Dominique P. Phillips

11 Mirin Avenue - P. O. Box 161 - Roosevelt, NY 11575 - (516) 965-9641 - dominiquep32@yahoo.com

October 19, 2021

**VIA: U.S. FIRST CLASS MAIL**

Douglas C. Palmer, Clerk of Court  
Theodore Roosevelt & Emanuel Cellar  
United States Federal Courthouse  
225 Cadman Plaza, Clerk's Office  
Brooklyn, New York 11201



**RE: Phillips v. Long Island Rail Road, et al.  
Civil Case No.: 21-CV-5679 (JS) (ARL)  
Plaintiff's Wrongful Death Complaints  
& He Requests Reassigned New Judges**

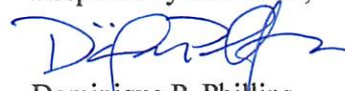
Dear Mr. Palmer:

I, Plaintiff Dominique P. Phillips, am a party in the above-referenced action, and I submit this letter to acknowledge that I am in receipt as of Saturday, October 16, 2021, notification from the Court for which one of the two "*Wrongful Death Complaints*" that I submitted on October 4, 2021 had been filed "*Pro Se*". (See Attachment #1). I also want to advise that I'm a party in the Wrongful Death Complaint ("Phillips & The Wendler Family v. United States Postal Service"), and that I have not received notification as of yet from the Court.


However, the Court is aware, that both District Judge Joanna Seybert ("Judge Seybert") and Magistrate Judge Arlene R. Lindsay ("Judge Lindsay") presided over two (2) of my previous cases (CV-11-1633 & CV-13-7317) that were before them. Also, please see hereto a copy of my "*in forma pauperis*" request I filed when I appeared before the same two judges in March 2011, with my previous employment with Defendant The Long Island Rail Road Company, and my late wife's previous employment with Defendant United States Postal Service. (See Attachment #2).

Therefore, in light of the above, I am respectfully requesting that both Judge Seybert and Judge Lindsay be recused from either of my two actions (Wrongful Death Complaints), in which I request to be reassigned new judges as I believe it is due to the "*bias*" and "*conflict of interest*" with my previous aforementioned cases. I would like to thank you in advance for consideration of this request.

Respectfully submitted,

  
Dominique P. Phillips

DPP/dpp:

10/22/2021  


## **Attachment #1**

AO 440 (Rev. 12/09) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

Eastern District of New York

2021 OCT -6 PM 4:01

**DOMINIQUE PHILLIPS,**

*Plaintiff*

v.

**THE LONG ISLAND RAIL ROAD COMPANY,  
UNITED TRANSPORTATION UNION-LOCAL 722,  
and the UNITED STATES DISTRICT COURT - E.D.N.Y.**

*Defendants*

**CV-21-5679**

Civil Action No.

**SEYBERT, J.**

**SUMMONS IN A CIVIL ACTION**

**LINDSAY, M.J.**

To: *(Defendant's name and address)* **THE LONG ISLAND RAIL ROAD COMPANY  
JAMAICA STATION  
JAMAICA, NEW YORK 11435**

**UNITED TRANSPORTATION UNION-LOCAL 722  
200-B WEST MAIN STREET, SUITE 3  
BABYLON, NEW YORK 11702**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
100 FEDERAL PLAZA  
CENTRAL ISLIP, NEW YORK 11722**

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

**Dominique Phillips  
11 Mirin Avenue  
Roosevelt, NY 11575**

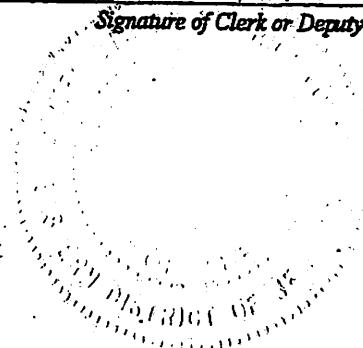
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

**DOUGLAS C. PALMER**

**CLERK OF COURT**

Date: **OCT 12 2021**

*(Signature)*  
Signature of Clerk or Deputy Clerk





UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF NEW YORK

**Douglas C Palmer**  
Clerk of Court

**Brenna Mahoney**  
Chief Deputy



**Theodore Roosevelt Federal Courthouse**  
**Emanuel Celler Federal Courthouse**  
225 Cadman Plaza East  
Brooklyn, NY 11201  
(718) 613-2270

**Alfonse D'Amato Federal Courthouse**  
100 Federal Plaza  
Central Islip, NY 11722  
(718) 613-2270

October 13, 2021

Dominique Phillips  
11 Mirin Avenue  
Roosevelt, NY 11575

RE: 21-CV-5679(JS)(ARL), Phillips v. The Long Island Railroad Company et. al

Dear Mr. Phillips:

The Clerk's Office received your proposed civil summons and has issued an official stamped summons. Enclosed, please find the original and a copy of this summons in addition to instructions on the service of the summons and complaint and a copy of the receipt for the payment of the civil action.

Sincerely,

Douglas C. Palmer  
Clerk of Court

A handwritten signature in black ink, appearing to be "D. Palmer", written over the typed name and title.

Enc.  
Mailed to litigant on 10/13/21

NPROSE

**U.S. District Court  
Eastern District of New York (Central Islip)  
CIVIL DOCKET FOR CASE #: 2:21-cv-05679-JS-ARL**

Phillips v. The Long Island Railroad Company et al  
Assigned to: Judge Joanna Seybert  
Referred to: Magistrate Judge Arlene R. Lindsay  
related Cases: 2:11-cv-01633-JS-ARL  
2:13-cv-07317-JS-ARL  
Cause: 42:1983 Civil Rights Act

Date Filed: 10/04/2021  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Dominque Phillips**

represented by **Dominque Phillips**  
11 Mirin Avenue  
Roosevelt, NY 11575  
PRO SE

V.

**Defendant**

**The Long Island Railroad Company**

**Defendant**

**United Transportation Union-Local  
722**

**Defendant**

**United States District Court -  
E.D.N.Y.**

Date Filed	#	Docket Text
10/04/2021	<u>1</u>	COMPLAINT against All Defendants Was the Disclosure Statement on Civil Cover Sheet completed -No., filed by Dominque Phillips. (Attachments: # <u>1</u> Civil Cover Sheet) (Cox, Dwayne) (Entered: 10/12/2021)
10/12/2021	<u>2</u>	Summons Issued as to All Defendants. (Cox, Dwayne) (Entered: 10/12/2021)
10/12/2021		FILING FEE: \$ 405.00, receipt number 31702 (Cox, Dwayne) (Entered: 10/12/2021)
10/12/2021	<u>3</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that

		should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (Cox, Dwayne) (Entered: 10/12/2021)
10/12/2021	<u>4</u>	Notice of Related Cases: 11-cv-1633-JS-ARL and 13-cv-7317-JS-ARL <b>The Civil Cover Sheet filed in this civil action indicates a related case.</b> (Cox, Dwayne) (Entered: 10/12/2021)

CLERK OF U.S. DISTRICT COURT, EDNY  
100 FEDERAL PLAZA  
CENTRAL ISLIP, NEW YORK 11722

OFFICIAL BUSINESS

MID-ISLAND NY 117  
14 OCT 2021 PM 1 L

NEOPOST

10/14/2021

FIRST-CLASS MAIL

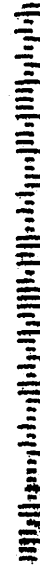
US POSTAGE \$000.73<sup>0</sup>



ZIP 11722  
041L1125530

Dominique Phillips  
11 Minin Avenue  
Roosevelt, NY 11575

11575-160311



## **Attachment #2**



**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 29 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

DOMINIQUE PHILLIPS

Plaintiff

**CV 11 1633**

-vs-

ADMINISTRATIVE LAW JUDGE SECTION  
LAW OFFICE OF KENNETH PESS  
Defendant(s)

REQUEST TO PROCEED  
IN FORMA PAUPERIS

LINDSAY, M.  
SEYBERT, J.

I, DOMINIQUE PHILLIPS, am the plaintiff in the above entitled case. I hereby request to proceed without being required to prepay fees or costs or give security therefore. I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore, and I believe I am entitled to redress.

1. If you are presently employed:

- a) give the name and address of your employer  
b) state the amount of your earnings per month

LONG ISLAND RAIL ROAD

JAMAICA, NEW YORK 11435

ROUGHLY \$2,000 PER MONTH AFTER TAXES

2. If you are NOT PRESENTLY EMPLOYED:

- a) state the date of start and termination of your last employment  
b) state your earnings per month.

**YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.**

3. Have you received, within the past twelve months, any money from any source? If so, name the source and the amount of money you received.

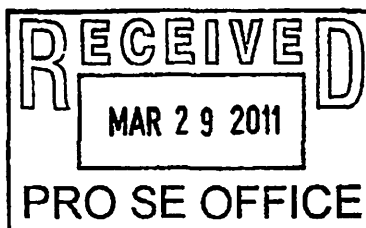
MY SALARY FROM LIRR

a) Are you receiving any public benefits?

☒ No ☐ Yes, \$ \_\_\_\_\_

b) Do you receive any income from any other source?

☒ No ☐ Yes, \$ \_\_\_\_\_



4. Do you have any money, including any money in a checking or savings account? If so, how much?

NOT MUCH / CHECKING ACCOUNT

5. Do you own any apartment, house or building, stocks, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

☐ No ☒ Yes, MY WIFE & I OWN A HOME.

6. List the person(s) that you pay money to support and the amount you pay each month.

MY DAUGHTER: NYA PHILLIPS (3 YEARS OF AGE)

MY WIFE: MRS. ANTARES WENDLER - PHILLIPS

7. Do you pay for rent or for a mortgage? If so, how much each month?

\$1,300 PER MONTH (MORTGAGE)

8. State any special financial circumstances which the Court should consider.

I'VE BEEN OUT OF WORK DUE TO WORK INJURY SINCE  
JANUARY 2011 (WORK'S COMP) & MY WIFE IS OUT OF  
WORK (U.S. POST OFFICE) DUE TO HER SURGERY (3/9/11).

I understand that the Court shall dismiss this case if I give a false answer to any questions in this declaration. In addition, if I give a false answer I will be subject to the penalties for perjury.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: 3/29/2011

  
(signature)